

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

10:30 AM

**2:15-12452 Chul Hyun Gong**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(U.S. Bank, N.A. VS Debtor)

Docket 268

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (4) to pursue non-bankruptcy remedies and for in rem relief for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

No tentative ruling as to request for extraordinary relief in paragraph 11 for relief under California Civil Code 2920.5(c)(2)(C) and 2923.5. Movant to explain why these provisions apply here since Debtor is not the original borrower.

The court does not make a finding of bad faith as to debtor. See In re Dorsey, 476 B.R. 261 (Bankr. C.D. Cal. 2012).

Appearances are required on 8/16/16, but counsel may appear by telephone.

<b>Party Information</b>
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**Debtor(s):**

Chul Hyun Gong

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Jeffrey L Sumpter

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

10:30 AM

**2:16-18995 Daniel E. Boswell and Heidi C. Boswell**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Museum of Latin American Art VS Debtors)

Docket 10

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies and/or for declaratory relief that the stay does not apply pursuant to 11 U.S.C. 362(b)(22) for the reasons stated in the moving papers and for lack of timely written opposition. Deny relief under 11 U.S.C. 362(b)(23) for lack of showing that such statute applies. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

<b>Party Information</b>
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**Debtor(s):**

Daniel E. Boswell

Represented By  
Steven B Lever  
Steven B Lever

**Joint Debtor(s):**

Heidi C. Boswell

Represented By  
Steven B Lever

**Trustee(s):**

Alberta P Stahl (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

10:30 AM

**CONT... Daniel E. Boswell and Heidi C. Boswell**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

10:30 AM

**2:16-19777 John Francis Gross**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(DLI Properties, LLC VS Debtor)

Docket 8

**Tentative Ruling:**

Revised tentative ruling as of 8/15/16. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. Deny relief under 11 U.S.C. 362(d)(4) since movant as purchaser at foreclosure sale lacks standing as secured creditor to seek relief. In re Ellis, 523 B.R. 673 (9th Cir. BAP 2014). Deny relief under 11 U.S.C. 362(b)(22) and (23) for lack of evidentiary showing that these statutes apply here. Deny stay annulment relief in paragraph 4 for lack of evidentiary showing. In re Gasprom, 500 B.R. 598 (9th Cir. BAP 2013). Deny requests for extraordinary relief in paragraphs 7, 9, 10 and 11 for lack of legal authority and/or lack of evidentiary showing. In re Van Ness, 399 B.R. 897 (Bankr. E.D. Cal. 2009). The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

<b>Party Information</b>
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**Debtor(s):**

John Francis Gross

Represented By  
Michael Shemtoub

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

10:30 AM

**CONT... John Francis Gross**

**Chapter 7**

**Movant(s):**

DLI Properties, LLC

Represented By  
Lane M Nussbaum

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

1:30 PM

**2:14-26989 Omion Demond Bell**

**Chapter 7**

Adv#: 2:14-01578 Bell v. Acs/Wells Fargo et al

**#4.00** Cont'd order to show cause why adversary proceeding should not be dismissed for lack of prosecution and/or lack of timely service of process fr. 5/24/16, 6/21/16, 7/26/16

Docket 61

**Tentative Ruling:**

Updated tentative ruling as of 8/15/16. No tentative ruling on the merits. Appearances are required on 8/16/16, but counsel and self-represented plaintiff may appear by telephone in accordance with the court's telephone appearance procedures (posted online on the court's website).

Prior tentative ruling as of 7/25/16. No tentative ruling on the merits. Appearances are required on 7/26/16, but counsel and self-represented plaintiff may appear by telephone in accordance with the court's telephone appearance procedures (posted online on the court's website).

Prior tentative ruling as of 6/20/16. No tentative ruling on the merits. Appearances are required on 6/21/16, but counsel and self-represented plaintiff may appear by telephone in accordance with the court's telephone appearance procedures (posted online on the court's website).

No tentative ruling as of 5/23/16. Appearances are required on 5/24/16, but counsel and self-represented plaintiff may appear by telephone in accordance with the court's telephone appearance procedures (posted online on the court's website).

<b>Party Information</b>
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**Debtor(s):**

Omion Demond Bell

Pro Se

**Defendant(s):**

Keller Graduate School of

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Omion Demond Bell**

**Chapter 7**

Educational Credit Management

Represented By  
Scott A Schiff

Texas Guaranteed Student Loan

Represented By  
Scott A Schiff

Acs/Wells Fargo

Pro Se

Nelnet

Pro Se

United States Department Of

Represented By  
Elan S Levey

**Interested Party(s):**

Interested Party

Represented By  
Scott A Schiff

**Plaintiff(s):**

Omion Demond Bell

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

Wesley H Avery (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

1:30 PM

**2:14-26989 Omion Demond Bell**

**Chapter 7**

Adv#: 2:14-01578 Bell v. Acs/Wells Fargo et al

**#5.00** Cont'd status conference re: Complaint for dischargeability of debt  
fr. 1/26/16, 4/19/16, 5/24/16, 6/21/16

Docket 53

**Tentative Ruling:**

Updated tentative ruling as of 8/15/16. No tentative ruling on the merits. There are continuing problems with service as shown by the proofs of service filed on August 8, 2016 because: (1) the plaintiff does not use the correct proof of service attached to the summons itself for service of the summons and complaint; (2) the service addresses for defendants are incorrect, including the U.S. Department of Education; (3) the proofs of service do not list the complaint as a document served on defendants; (4) the copy of the complaint attached to the proofs of service do not have any case identification number to give notice to defendants to respond to the complaint because the cover page of the complaint is missing from the copy. At the status conference, the parties should be prepared to discuss whether the unserved defendants need to be in the case, such as Wells Fargo, Nelnet and U.S. Department of Education. Part of the problem is that the complaint is poorly drafted in that it does not described which student loans that plaintiff is seeking a determination of dischargeability. ECMC and TGSLC identify in their papers filed in this case the loans which they are now the owners, and it may be that these are the only loans that need to be involved in this case. Given the continuing problems with plaintiff's service of defendants, the court is considering appointing a pro bono public interest firm, such as Public Counsel, to assist him in properly serving defendants which have not yet appeared, if such service is necessary because plaintiff is self-represented, appears to be indigent and needs assistance in serving all of the defendants. Appearances are required on 8/16/16, but counsel and self-represented plaintiff may appear by telephone in accordance with the court's telephone appearance procedures (posted online on the court's website).

Prior tentative ruling as of 5/23/16. No tentative ruling on the merits. Appearances are required on 4/19/16, but counsel and self-represented

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

1:30 PM

**CONT... Omion Demond Bell**

**Chapter 7**

plaintiff may appear by telephone in accordance with the court's telephone appearance procedures (posted online on the court's website).

Prior tentative ruling. The court has reviewed defendant ECMC's unilateral status report. No tentative ruling on the merits. Appearances are required on 4/19/16, but counsel and self-represented plaintiff may appear by telephone in accordance with the court's telephone appearance procedures (posted online on the court's website).

<b>Party Information</b>
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**Debtor(s):**

Omion Demond Bell	Pro Se
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**Defendant(s):**

Keller Graduate School of	Pro Se
Educational Credit Management	Represented By Scott A Schiff
Texas Guaranteed Student Loan	Represented By Scott A Schiff
Acs/Wells Fargo	Pro Se
Nelnet	Pro Se
United States Department Of	Represented By Elan S Levey

**Interested Party(s):**

Interested Party	Represented By Scott A Schiff
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**Plaintiff(s):**

Omion Demond Bell	Pro Se
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**Trustee(s):**

Wesley H Avery (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

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1:30 PM

**CONT... Omion Demond Bell**

**Chapter 7**

Wesley H Avery (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

1:30 PM

**2:15-15708 Michael Joseph Kilroy**

**Chapter 11**

Adv#: 2:16-01273 Kilroy et al v. Kilroy et al

**#6.00** Status conference re: Complaint for: 1. Non-dischargeability, USC 523(a)(2)(A); 2. Non-dischargeability, 11 USC 523(a)(4); 3. Non-dischargeability, 11 USC 523(a)(6); 4. Objection to discharge, 11 USC 727; 5. Set aside a fraudulent conveyance; 6. Determine an interest or validity of an interest in property of the estate FRBP 7001; 7. Quiet title-fraud; 8. Quiet title-negligence; 9. Quiet title-ultra vires acts

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/16/16 to 8/30/16 at 1:30 p.m.  
per stip & order entered on 7/18/16-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 8/30/16 at 1:30 p.m. No appearances are required on 8/16/16.

<b>Party Information</b>
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**Debtor(s):**

Michael Joseph Kilroy

Represented By  
David L. Neale  
John-Patrick M Fritz

**Defendant(s):**

Todos Santos Corporation

Pro Se

Grandpoint Bank

Pro Se

Michael Joseph Kilroy

Pro Se

San Floriano Company, LP

Pro Se

**Plaintiff(s):**

Kish Company, Inc.

Represented By  
Jeffrey B Smith

San Fortunato Company, LP

Represented By  
Jeffrey B Smith

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

1:30 PM

**CONT... Michael Joseph Kilroy**

**Chapter 11**

Jeannine Kilroy

Represented By  
Jeffrey B Smith

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

1:30 PM

**2:16-10874 Della Lorraine Cooper**

**Chapter 7**

Adv#: 2:16-01188 Cooper et al v. Dept of Ed/Great Lakes Navient et al

**#7.00** Order to show cause why sanctions should not be imposed for failure to appear at status conference and file status report

Docket 15

**Tentative Ruling:**

No tentative ruling as of 8/15/16. Appearances are required on 8/16/16, but counsel may appear by telephone.

<b>Party Information</b>
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**Debtor(s):**

Della Lorraine Cooper	Pro Se
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**Defendant(s):**

U.S. Department of Education	Represented By Elan S Levey
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Educational Credit Management	Represented By Scott A Schiff
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Dept of Ed/Great Lakes Navient	Pro Se
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**Joint Debtor(s):**

Lakina Shauntea Cooper	Pro Se
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**Plaintiff(s):**

Lakina Shauntea Cooper	Pro Se
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Della Lorraine Cooper	Pro Se
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**Trustee(s):**

David A Gill (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

1:30 PM

**2:16-10874 Della Lorraine Cooper**

**Chapter 7**

Adv#: 2:16-01188 Cooper et al v. Dept of Ed/Great Lakes Navient

**#8.00** Cont'd status conference re: Complaint for dischargeability  
fr. 6/21/16

Docket 1

**Tentative Ruling:**

No tentative ruling as of 8/15/16. Appearances are required on 8/16/16, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the unilateral status report of proposed intervenor, Educational Credit Management Corp. No tentative ruling on the merits. Plaintiffs need to address the written comments of named defendant U.S. Department of Education that it has not been properly served with copies of the summons and complaint. Appearances are required on 6/20/16, but counsel may appear by telephone.

<b>Party Information</b>
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**Debtor(s):**

Della Lorraine Cooper	Pro Se
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**Defendant(s):**

Dept of Ed/Great Lakes Navient	Pro Se
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**Joint Debtor(s):**

Lakina Shauntea Cooper	Pro Se
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**Plaintiff(s):**

Della Lorraine Cooper	Pro Se
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Lakina Shauntea Cooper	Pro Se
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**Trustee(s):**

David A Gill (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

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1:30 PM

**CONT... Della Lorraine Cooper**

**Chapter 7**

David A Gill (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

1:30 PM

**2:16-17064 Maria Virginia Marti**

**Chapter 7**

Adv#: 2:16-01270 Romero v. Marti

**#9.00** Status conference re: Plaintiff Mario Romero's complaint for adversary proceedings and nondischargeability of defendants' debt pursuant to: (1) 11 U.S.C. §§ 727(a)(2), 727(a)(3); 727(a)(4) and 727(a)(7); (2) 11 U.S.C. §523; 523(a)(4); 523(6); and 11 U.S.C. §523(a)(19); (3) Nondischargeability

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/16/16 to 9/27/16 at 3:00 p.m.  
per order entered on 8/12/16-mb.**

**Tentative Ruling:**

Off calendar. Continued on the court's own motion by separate order to 9/20/16 at 3:00 p.m. No appearances are required on 8/16/16.

<b>Party Information</b>
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**Debtor(s):**

Maria Virginia Marti

Represented By  
Anita Khachikyan

**Defendant(s):**

Maria Virginia Marti

Pro Se

**Plaintiff(s):**

Mario Romero

Represented By  
Dimitrios P Biller

**Trustee(s):**

Jason M Rund (TR)

Pro Se

Jason M Rund (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

1:30 PM

**2:16-19089 Lydia Cho**

**Chapter 7**

Adv#: 2:16-01307 Cho v. Marmay Inc

**#10.00** Status conference re: Removal of lawsuit pending in State Court to Bankruptcy Court  
(28 USC §1452) and complaint for quiet title

Docket 1

**Tentative Ruling:**

No tentative ruling as of 8/15/16. Appearances are required on 8/16/16, but counsel may appear by telephone.

<b>Party Information</b>
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**Debtor(s):**

Lydia Cho	Pro Se
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**Defendant(s):**

Marmay Inc	Pro Se
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**Plaintiff(s):**

Lydia Cho	Pro Se
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**Trustee(s):**

John J Menchaca (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:00 PM

**2:12-11628 LEODIS CLYDE MATTHEWS**

**Chapter 7**

Adv#: 2:12-01499 Westland Architecture & Development Corporation v. MATTHEWS

**#11.00** CONT'D POST TRIAL RE: Complaint To: (1) Determine Dischargeability of Debt Pursuant to 11 U.S.C. § 523(a)(2)(A) and 523(a)(4); (2) Deny Debtor a Discharge Pursuant to 11 U.S.C. § 727(a)(2), 727(a)(3), 727(a)(4), and 727(a)(5) fr. 3/29/16, 5/31/16, 7/26/16, 8/2/16

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/15/16. Off calendar. The court continues the post-trial hearing on its own motion to 8/30/16 at 2:00 p.m. because it is still deliberating on the matter, but expects to issue a written decision before the next hearing date. No appearances are required on 8/16/16.

Prior tentative ruling as of 8/1/16. Off calendar. The court continues the post-trial hearing on its own motion to 8/16/16 at 2:00 p.m. because it is still deliberating on the matter, but expects to issue a written decision before the next hearing date. No appearances are required on 8/2/16.

Prior tentative ruling as of 5/27/16. Off calendar. The court continues the post-trial hearing on its own motion to 7/26/16 at 2:00 p.m. because it is still deliberating on the matter, but expects to issue a written decision before the next hearing date. No appearances are required on 5/31/16.

Prior tentative ruling as of 3/28/16. Off calendar. The court continues the post-trial hearing on its own motion to 5/31/16 at 2:00 p.m. because it is still deliberating on the matter, but expects to issue a written decision before the next hearing date. No appearances are required on 3/29/16.

Prior tentative ruling as of 1/15/16. Off calendar. The court continues the post-trial hearing on its own motion to 3/29/16 at 2:00 p.m. because it is still deliberating on the matter. No appearances are required on 1/19/16.

Prior tentative ruling as of 10/26/15. Off calendar. The court continues the

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:00 PM

**CONT... LEODIS CLYDE MATTHEWS**

**Chapter 7**

post-trial hearing on its own motion to 1/19/16 at 2:00 p.m. because it is still deliberating on the matter. No appearances are required on 10/26/15.

Prior tentative ruling as of 1/16/15. No tentative ruling will be issued for trial. Appearances are required on 1/23/15 if the trial is not concluded earlier.

Updated tentative ruling as of 2/17/14. Appearances are required on 2/18/14 to discuss scheduling of further proceedings, including availability for trial.

No updated tentative ruling as of 1/20/14. Appearances are required on 1/21/14.

Prior tentative ruling. The court on its own motion continues the hearing to 1/21/14 at 3:00 p.m. due to the Judge's unforeseen unavailability. No appearances are required on 1/7/14.

Prior tentative ruling as of 6/3/13. Pretrial conference will be set for 8/20/13 at 2:00 p.m., and joint pretrial stipulation must be filed by 8/6/13. Parties are ordered to comply with LBR 7016-1 in preparing the joint pretrial stipulation and otherwise preparing for and participating in the pretrial conference. Appearances are required on 6/4/13 to discuss scheduling of trial after 9/15/13.

No updated tentative ruling as of 4/29/13. Appearances are required on 4/30/13, but counsel may appear by telephone.

No tentative ruling as of 2/25/13. The court has reviewed the joint status report. Appearances are required on 2/26/13.

Updated tentative ruling as of 12/17/12. The court has reviewed the unilateral status report filed by counsel for defendant. Appearances are required to address why sanctions of \$250 should not be imposed against counsel for plaintiff for a second failure to file a joint status report and to discuss scheduling.

Prior tentative ruling as 10/5/12. Appearances required on 10/9/12.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:00 PM

**CONT... LEODIS CLYDE MATTHEWS**

**Chapter 7**

Prior tentative ruling as of 9/17/12. Appearances required on 9/18/12 to discuss status of mediation and discovery, but counsel may appear by telephone.

Prior tentative ruling. Set a discovery completion date of 8/31/12 and a further status conference on 9/18/12 at 2:00 p.m. Order the matter to mediation, parties to file a request for selection of mediator and alternate by 6/30/12 and complete mediation by 9/18/12 at 1:30 p.m. Plaintiff to submit a proposed scheduling order within 7 days after hearing. Appearances optional.

<b>Party Information</b>
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**Debtor(s):**

LEODIS CLYDE MATTHEWS

Represented By  
Ronald E Michelman

**Defendant(s):**

LEODIS CLYDE MATTHEWS

Pro Se

**Plaintiff(s):**

Westland Architecture &

Represented By  
Anthony N Ranieri

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

Carolyn A Dye (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**2:12-15625 Forbco Management Corporation and U.S. Foods, Inc.**

**Chapter 11**

**#12.00** Hearing re: Motion to convert case from chapter 11 to 7

Docket 1069

**Tentative Ruling:**

Revised tentative ruling as of 8/16/16. The court revises its tentative ruling in light of the supplemental declaration of Ronald Jeffrey Higgins filed by reorganized debtors filed on 8/15/16, which it had not examined when it posted its tentative ruling on the matter yesterday.

Although not addressed by the parties, the court notes a deficiency with respect to the moving papers in that movant has not served the motion to convert on all creditors as required by FRBP 2002(a) (a comparison of the proof of service of the motion and the creditors mailing matrix indicates unserved creditors) and thus, the motion cannot be granted without proper service. If movant wishes to press the motion, then leave will be granted to cure the service deficiency, and a further hearing will be set.

Debtors in their responsive papers argue that the motion should be denied on they have cured any outstanding postpetition tax arrearages and plan arrearages and are no longer in default on their plan obligations. Movant should address whether debtors are current in their postpetition tax liabilities as to the IRS as they argue, and whether movant also argues that its motion should be granted based on prior defaults or other grounds, such as failure to pay postpetition taxes and inability to effectuate a substantial consummation of the confirmed plan. If so, movant will have to address debtors' argument that they have shown "unusual circumstances" establishing that conversion or dismissal is not in the best interests of creditors or the estate. The issues of uncured defaults, past defaults, failure to pay postpetition taxes, inability to substantially consummate the confirmed plan and unusual circumstances establishing that conversion or dismissal is not in the best interests of creditors or the estate raise disputed issues of material fact, for which the record is not clear, that may require an evidentiary hearing to resolve in this contested matter under FRBP 9014. Joining party SBE should also address the same issues. As stated in the original tentative ruling, the court has

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**CONT... Forbco Management Corporation and U.S. Foods, Inc. Chapter 11**

concerns whether conversion is in the best interests of creditors due to the "empty box" problem.

Appearances are required on 8/16/16, but counsel may appear by telephone.

Prior tentative ruling as of 8/15/16. Deny motion to convert in part and grant in part. Conversion does not appear to be in the best interests of creditors since the confirmed plan revested the property of the estate in the reorganized debtors, leaving the estate with no assets upon postconfirmation conversion to Chapter 7 since the confirmed plan or confirmation order did not provide otherwise. 11 U.S.C. 1112(b); In re K & M Printing, Inc., 210 B.R. 583, 584-586 (Bankr. D. Ariz. 1997); 2 March, Ahart and Shapiro, California Practice Guide: Bankruptcy, paragraphs 11:2058 and 11:2296 at 11-242, 11-243 and 11-262 (2015)(identifying the "empty box" problem). Thus, the case should be dismissed in the best interest of creditors in light of debtors' uncured defaults under the plan (failure to pay priority tax claims of EDD and SBE), failure to pay postpetition tax obligations (failure to pay postpetition taxes to IRS, EDD and SBE), and failure to substantially consummate the plan confirmed on 2/14/13 over three years ago. 11 U.S.C. 1112(b)(4)(I), (M) and (N). The court does not find any unusual circumstances establishing that converting or dismissing the case is not in the best interests of creditors or the estate since debtors' failure to pay postpetition taxes on a current basis is a chronic problem that has been repeatedly come up at hearings since confirmation, or as the IRS puts it, a familiar pattern. Appearances are required on 8/16/16, but counsel may appear by telephone.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Forbco Management Corporation

Represented By  
Robert E Opera  
Sean A OKeefe  
Kavita Gupta  
Richard H Golubow  
Jeannie Kim  
Jill M Holt Golubow  
Andrew B Levin

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**CONT... Forbco Management Corporation and U.S. Foods, Inc.**

**Chapter 11**

**Movant(s):**

UNITED STATES OF AMERICA

Represented By  
Gavin L Greene

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**2:12-15625 Forbco Management Corporation and U.S. Foods, Inc.**

**Chapter 11**

**#13.00** Hearing re: California Employment Development Department's motion to dismiss or convert cases to chapter 7 pursuant to 11 U.S.C. §1112(b)

Docket 1079

**Tentative Ruling:**

Revised tentative ruling as of 8/16/16. The court revises its tentative ruling in light of the supplemental declaration of Ronald Jeffrey Higgins filed by reorganized debtors filed on 8/15/16, which it had not examined when it posted its tentative ruling on the matter yesterday.

Although not addressed by the parties, the court notes a deficiency with respect to the moving papers in that movant has not served the motion to dismiss or convert on all creditors as required by FRBP 2002(a) and 1017(d) (a comparison of the proof of service of the motion and the creditors mailing matrix indicates unserved creditors) and thus, the motion cannot be granted without proper service. If movant wishes to press the motion, then leave will be granted to cure the service deficiency, and a further hearing will be set.

Debtors in their responsive papers argue that the motion should be denied on they have cured any outstanding postpetition tax arrearages and plan arrearages and are no longer in default on their plan obligations and that the matter is settled as to movant EDD, which did not file a reply to debtors' opposition. Movant should address whether debtors are current in their postpetition tax liabilities as to the EDD as they argue, and whether movant also argues that its motion should be granted based on prior defaults or other grounds, such as failure to pay postpetition taxes and inability to effectuate a substantial consummation of the confirmed plan. If so, movant will have to address debtors' argument that they have shown "unusual circumstances" establishing that conversion or dismissal is not in the best interests of creditors or the estate. The issues of uncured defaults, past defaults, failure to pay postpetition taxes, inability to substantially consummate the confirmed plan and unusual circumstances establishing that conversion or dismissal is not in the best interests of creditors or the estate raise disputed issues of material fact, for which the record is not clear, that may require an evidentiary

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**CONT... Forbco Management Corporation and U.S. Foods, Inc. Chapter 11**

hearing to resolve in this contested matter under FRBP 9014. Joining party SBE should also address the same issues. As stated in the original tentative ruling, the court has concerns whether conversion is in the best interests of creditors due to the "empty box" problem.

Appearances are required on 8/16/16, but counsel may appear by telephone.

Prior tentative ruling as of 8/15/16. Grant motion to dismiss or convert in part and deny in part. Conversion does not appear to be in the best interests of creditors since the confirmed plan revested the property of the estate in the reorganized debtors, leaving the estate with no assets upon postconfirmation conversion to Chapter 7 since the confirmed plan or confirmation order did not provide otherwise. 11 U.S.C. 1112(b); In re K & M Printing, Inc., 210 B.R. 583, 584-586 (Bankr. D. Ariz. 1997); 2 March, Ahart and Shapiro, California Practice Guide: Bankruptcy, paragraphs 11:2058 and 11:2296 at 11-242, 11-243 and 11-262 (2015)(identifying the "empty box" problem). Thus, the case should be dismissed in the best interest of creditors in light of debtors' uncured defaults under the plan (failure to pay priority tax claims of EDD and SBE), failure to pay postpetition tax obligations (failure to pay postpetition taxes to IRS, EDD and SBE), and failure to substantially consummate the plan confirmed on 2/14/13 over three years ago. 11 U.S.C. 1112(b)(4)(I), (M) and (N). The court does not find any unusual circumstances establishing that converting or dismissing the case is not in the best interests of creditors or the estate since debtors' failure to pay postpetition taxes on a current basis is a chronic problem that has been repeatedly come up at hearings since confirmation, or as the IRS puts it, a familiar pattern. Appearances are required on 8/16/16, but counsel may appear by telephone.No tentative ruling as of 8/15/16. Appearances are required on 8/16/16, but counsel may appear by telephone.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Forbco Management Corporation

Represented By  
Robert E Opera  
Sean A OKeefe  
Kavita Gupta  
Richard H Golubow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**CONT...**

**Forbco Management Corporation and U.S. Foods, Inc.**

**Chapter 11**

Jeannie Kim  
Jill M Holt Golubow  
Andrew B Levin

**Movant(s):**

California Employment

Represented By  
Hutchison B Meltzer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**2:12-15625 Forbco Management Corporation and U.S. Foods, Inc.**

**Chapter 11**

**#13.10** Hearing re: Reorganized debtors' notice of intention to enter into resolution of allowed administrative claims of professionals

Docket 1063

**Tentative Ruling:**

Updated tentative ruling as of 8/16/16. Although not addressed by the parties, the court notes a deficiency with respect to the moving papers in that although movants have served the post-effective date notice parties, they have not served the motion to approve compromise which effectuates postconfirmation, pre-substantial consummation plan modifications regarding treatment of administrative expense claims of estate professionals on all creditors as required by FRBP 2002(a)(5) (a comparison of the proof of service of the motion and the creditors mailing matrix indicates unserved creditors) despite the plan term to limit notice for approval of post-effective date compromises and thus, the motion cannot be granted without proper service. If movants wish to press the motion, then leave will be granted to cure the service deficiency, and a further hearing will be set. Moreover, in light of the objections of the taxing authorities (SBE, EDD, IRS), treat as a contested matter under FRBP 9014 since there are factual disputes whether the proposed resolution resulting in plan modifications is in the best interests of creditors and the estate and should be otherwise approved. Appearances are required on 8/16/16, but counsel may appear by telephone.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Forbco Management Corporation

Represented By  
Robert E Opera  
Robert E Opera  
Sean A OKeefe  
Sean A OKeefe  
Kavita Gupta  
Kavita Gupta  
Richard H Golubow  
Richard H Golubow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**CONT...**

**Forbco Management Corporation and U.S. Foods, Inc.**

**Chapter 11**

Jeannie Kim

Jeannie Kim

Jill M Holt Golubow

Jill M Holt Golubow

Andrew B Levin

Andrew B Levin

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**2:12-15625 Forbco Management Corporation**

**Chapter 11**

**#14.00** Cont'd hearing re: Final application of Winthrop Couchot professional corporation, attorneys for the debtors, for compensation and reimbursement of expenses, period: 1/31/2011 to 7/31/2015, Fee: \$1,905,068.00, Expenses: \$48,609.67. fr. 2/10/16, 4/6/16, 4/27/16, 5/4/16, 7/27/16

Docket 899

**Tentative Ruling:**

Updated tentative ruling as of 8/16/16. In light of the objections of the taxing authorities (SBE, EDD, IRS), treat as a contested matter under FRBP 9014. However, the objecting parties should interpose objections to specific billing entries since the court is evaluating the reasonableness of the fee expenses claimed under 11 U.S.C. 330 and should indicate whether there are factual disputes regarding the fee applications. Appearances are required on 8/16/16, but counsel may appear by telephone.

Prior tentative ruling as of 8/15/16. In light of the pending contested matters of the IRS's motion to convert, the EDD's motion to dismiss or convert and reorganized debtor's notice to intent to enter resolution with professionals regarding their administrative expense claims, the court will defer consideration of the fee applications at this hearing and reschedule a hearing on the fee applications. Appearances are required on 8/16/16 to discuss scheduling, but applicant and counsel may appear by telephone.

No updated tentative ruling as of 5/2/16. Appearances are required on 5/4/16, but counsel may appear by telephone.

No updated tentative ruling as of 4/25/16. Appearances are required on 4/27/16, but counsel may appear by telephone.

No updated tentative ruling as of 4/4/16. Appearances are required on 4/6/16, but counsel may appear by telephone.

No updated tentative ruling as of 2/8/16. Appearances are required on

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**CONT... Forbco Management Corporation**

**Chapter 11**

2/10/16, but counsel may appear by telephone.

No updated tentative ruling as of 1/25/16. Appearances are required on 1/27/16, but counsel may appear by telephone.

No updated tentative ruling as of 1/12/16. Appearances are required on 1/13/16, but counsel may appear by telephone.

No updated tentative ruling as of 1/4/16. Appearances are required on 1/6/16, but counsel may appear by telephone.

No updated tentative ruling as of 12/15/15. Appearances are required on 12/16/15.

No updated tentative ruling as of 11/30/15. Appearances are required on 12/1/15, but counsel and applicant may appear by telephone.

Prior tentative ruling as of 11/9/15. Off calendar. The court continues the hearing on fee applications to 11/18/15 at 2:00 p.m. to be trailed with the status conference continued pursuant to the court's order, ECF 919, to that date and time. No appearances are required on 11/10/15.

Prior tentative ruling as of 11/3/15. Due to the court's having to attend an important court administration meeting on 12:00 noon, the court will not hear argument on the application and will be continuing the hearing because based on its preliminary review of the professionals' fee applications, which are voluminous, it has concerns that will need further review and analysis, which will take some time to complete (the concerns involved more than one application, and may not necessarily mean a particular application, such as this one). Appearances are required on 11/4/15 about further scheduling, but counsel may appear by telephone.

No updated tentative ruling as of 10/19/15. Appearances are required on 10/21/15, but counsel may appear by telephone.

No tentative ruling as of 10/5/15. The court is not inclined to rule upon the fee applications of the estate professionals until the confirmed plan is ready to go

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**CONT...**      **Forbco Management Corporation**      **Chapter 11**  
effective. Appearances are optional on 10/7/15 on the fee applications since the court does not intend to rule upon them at the hearing on 10/5/15, but counsel may appear by telephone.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Forbco Management Corporation

Represented By  
Robert E Opera  
Sean A Okeefe  
Kavita Gupta  
Richard H Golubow  
Jeannie Kim  
Jill M Holt Golubow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**2:12-15625 Forbco Management Corporation**

**Chapter 11**

**#15.00** Cont'd hearing re: Application for Compensation of First and Final Application for Allowance and Payment of Fees and Reimbursement of Expenses of Squar Milner Peterson Miranda & Williamson, LLP, Accountants to the Debtor and Debtor-In-Possession  
Period: 2/22/2011 to 10/31/2013, Fee: \$187,339.00, Expenses: \$452.46.  
fr. 2/10/16, 4/6/16, 4/27/16, 5/4/16, 7/27/16

Docket 708

**Tentative Ruling:**

No updated tentative ruling as of 8/15/16. In light of the pending contested matters of the IRS's motion to convert, the EDD's motion to dismiss or convert and reorganized debtor's notice to intent to enter resolution with professionals regarding their administrative expense claims, the court will defer consideration of the fee applications at this hearing and reschedule a hearing on the fee applications. Appearances are required on 8/16/16 to discuss scheduling, but applicant and counsel may appear by telephone.

No updated tentative ruling as of 5/2/16. Appearances are required on 5/4/16, but counsel may appear by telephone.

No updated tentative ruling as of 4/25/16. Appearances are required on 4/27/16, but counsel may appear by telephone.

No updated tentative ruling as of 4/4/16. Appearances are required on 4/6/16, but counsel may appear by telephone.

No updated tentative ruling as of 2/8/16. Appearances are required on 2/10/16, but counsel may appear by telephone.

No updated tentative ruling as of 1/25/16. Appearances are required on 1/27/16, but counsel may appear by telephone.

No updated tentative ruling as of 1/12/16. Appearances are required on 1/13/16, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**CONT... Forbco Management Corporation**

**Chapter 11**

No updated tentative ruling as of 1/4/16. Appearances are required on 1/6/16, but counsel may appear by telephone.

No updated tentative ruling as of 12/15/15. Appearances are required on 12/16/15.

No updated tentative ruling as of 11/30/15. Appearances are required on 12/1/15, but counsel and applicant may appear by telephone.

Prior tentative ruling as of 11/9/15. Off calendar. The court continues the hearing on fee applications to 11/18/15 at 2:00 p.m. to be trailed with the status conference continued pursuant to the court's order, ECF 919, to that date and time. No appearances are required on 11/10/15.

Prior tentative ruling as of 11/3/15. Due to the court's having to attend an important court administration meeting on 12:00 noon, the court will not hear argument on the application and will be continuing the hearing because based on its preliminary review of the professionals' fee applications, which are voluminous, it has concerns that will need further review and analysis, which will take some time to complete (the concerns involved more than one application, and may not necessarily mean a particular application, such as this one). Appearances are required on 11/4/15 about further scheduling, but counsel may appear by telephone.

No updated tentative ruling as of 11/2/15. Appearances are required on 11/4/15, but counsel may appear by telephone.

No updated tentative ruling as of 10/19/15. Appearances are required on 10/21/15, but counsel may appear by telephone.

No tentative ruling as of 10/5/15. The court is not inclined to rule upon the fee applications of the estate professionals until the confirmed plan is ready to go effective. Appearances are optional on 10/7/15 on the fee applications since the court does not intend to rule upon them at the hearing on 10/5/15, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**CONT... Forbco Management Corporation**

**Chapter 11**

No tentative ruling as of 7/6/15. Appearances are required on 7/7/15, but counsel may appear by phone.

<b>Party Information</b>
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**Debtor(s):**

Forbco Management Corporation

Represented By  
Robert E Opera  
Sean A Okeefe  
Kavita Gupta  
Richard H Golubow  
Jeannie Kim  
Jill M Holt Golubow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**2:12-15625 Forbco Management Corporation**

**Chapter 11**

**#16.00** Cont'd hearing re: Final Fee Application of Stutman, Treister & Glatt, P.C. for Compensation and Allowance of Professional Fees and Costs  
Period: 3/8/2011 to 4/30/2014 Fee: \$398,408.00, Expenses: \$16,191.01  
fr. 2/10/16, 4/6/16, 4/27/16, 5/4/16, 7/27/16

Docket 774

**Tentative Ruling:**

No updated tentative ruling as of 8/15/16. In light of the pending contested matters of the IRS's motion to convert, the EDD's motion to dismiss or convert and reorganized debtor's notice to intent to enter resolution with professionals regarding their administrative expense claims, the court will defer consideration of the fee applications at this hearing and reschedule a hearing on the fee applications. Appearances are required on 8/16/16 to discuss scheduling, but applicant and counsel may appear by telephone.

No updated tentative ruling as of 5/2/16. Appearances are required on 5/4/16, but counsel may appear by telephone.

No updated tentative ruling as of 4/25/16. Appearances are required on 4/27/16, but counsel may appear by telephone.

No updated tentative ruling as of 4/4/16. Appearances are required on 4/6/16, but counsel may appear by telephone.

No updated tentative ruling as of 2/8/16. Appearances are required on 2/10/16, but counsel may appear by telephone.

No updated tentative ruling as of 1/25/16. Appearances are required on 1/27/16, but counsel may appear by telephone.

No updated tentative ruling as of 1/12/16. Appearances are required on 1/13/16, but counsel may appear by telephone.

No updated tentative ruling as of 1/4/16. Appearances are required on

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**CONT... Forbco Management Corporation**

**Chapter 11**

1/6/16, but counsel may appear by telephone.

No updated tentative ruling as of 12/15/15. Appearances are required on 12/16/15.

No updated tentative ruling as of 11/30/15. Appearances are required on 12/1/15, but counsel and applicant may appear by telephone.

Prior tentative ruling as of 11/9/15. Off calendar. The court continues the hearing on fee applications to 11/18/15 at 2:00 p.m. to be trailed with the status conference continued pursuant to the court's order, ECF 919, to that date and time. No appearances are required on 11/10/15.

Prior tentative ruling as of 11/3/15. Due to the court's having to attend an important court administration meeting on 12:00 noon, the court will not hear argument on the application and will be continuing the hearing because based on its preliminary review of the professionals' fee applications, which are voluminous, it has concerns that will need further review and analysis, which will take some time to complete (the concerns involved more than one application, and may not necessarily mean a particular application, such as this one). Appearances are required on 11/4/15 about further scheduling, but counsel may appear by telephone.

No updated tentative ruling as of 11/2/15. Appearances are required on 11/4/15, but counsel may appear by telephone.

No updated tentative ruling as of 10/19/15. Appearances are required on 10/21/15, but counsel may appear by telephone.

No tentative ruling as of 10/5/15. The court is not inclined to rule upon the fee applications of the estate professionals until the confirmed plan is ready to go effective. Appearances are optional on 10/7/15 on the fee applications since the court does not intend to rule upon them at the hearing on 10/5/15, but counsel may appear by telephone.

No tentative ruling as of 7/6/15. Appearances are required on 7/7/15, but counsel may appear by phone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**CONT... Forbco Management Corporation**

**Chapter 11**

**Debtor(s):**

Forbco Management Corporation

Represented By  
Robert E Opera  
Sean A Okeefe  
Kavita Gupta  
Richard H Golubow  
Jeannie Kim  
Jill M Holt Golubow

**Movant(s):**

--- Stutman Treister

Represented By  
Gary E Klausner

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**2:12-15625 Forbco Management Corporation**

**Chapter 11**

**#17.00** Cont'd hearing re: Application for Compensation First and Final Fee Application of Levene, Neale, Bender, Yoo & Brill L.L.P. for Compensation and Allowance of Professional Fees and Costs Period: 5/1/2014 to 6/1/2015, Fee: \$36,487.00, Expenses: \$1,146.16.  
fr. 2/10/16, 4/6/16, 4/27/16, 5/4/16, 7/27/16

Docket 858

**Tentative Ruling:**

Updated tentative ruling as of 8/16/16. In light of the objections of the taxing authorities (SBE, EDD, IRS), treat as a contested matter under FRBP 9014. However, the objecting parties should interpose objections to specific billing entries since the court is evaluating the reasonableness of the fee expenses claimed under 11 U.S.C. 330 and should indicate whether there are factual disputes regarding the fee applications. Appearances are required on 8/16/16, but counsel may appear by telephone.

Prior tentative ruling as of 8/15/16. In light of the pending contested matters of the IRS's motion to convert, the EDD's motion to dismiss or convert and reorganized debtor's notice to intent to enter resolution with professionals regarding their administrative expense claims, the court will defer consideration of the fee applications at this hearing and reschedule a hearing on the fee applications. Appearances are required on 8/16/16 to discuss scheduling, but applicant and counsel may appear by telephone.

No updated tentative ruling as of 5/2/16. Appearances are required on 5/4/16, but counsel may appear by telephone.

No updated tentative ruling as of 4/25/16. Appearances are required on 4/27/16, but counsel may appear by telephone.

No updated tentative ruling as of 4/4/16. Appearances are required on 4/6/16, but counsel may appear by telephone.

No updated tentative ruling as of 2/8/16. Appearances are required on

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**CONT... Forbco Management Corporation**

**Chapter 11**

2/10/16, but counsel may appear by telephone.

No updated tentative ruling as of 1/25/16. Appearances are required on 1/27/16, but counsel may appear by telephone.

No updated tentative ruling as of 1/12/16. Appearances are required on 1/13/16, but counsel may appear by telephone.

No updated tentative ruling as of 1/4/16. Appearances are required on 1/6/16, but counsel may appear by telephone.

No updated tentative ruling as of 12/15/15. Appearances are required on 12/16/15.

No updated tentative ruling as of 11/30/15. Appearances are required on 12/1/15, but counsel and applicant may appear by telephone.

Prior tentative ruling as of 11/9/15. Off calendar. The court continues the hearing on fee applications to 11/18/15 at 2:00 p.m. to be trailed with the status conference continued pursuant to the court's order, ECF 919, to that date and time. No appearances are required on 11/10/15.

Prior tentative ruling as of 11/3/15. Due to the court's having to attend an important court administration meeting on 12:00 noon, the court will not hear argument on the application and will be continuing the hearing because based on its preliminary review of the professionals' fee applications, which are voluminous, it has concerns that will need further review and analysis, which will take some time to complete (the concerns involved more than one application, and may not necessarily mean a particular application, such as this one). Appearances are required on 11/4/15 about further scheduling, but counsel may appear by telephone.

No updated tentative ruling as of 11/2/15. Appearances are required on 11/4/15, but counsel may appear by telephone.

No updated tentative ruling as of 10/19/15. Appearances are required on 10/21/15, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**CONT... Forbco Management Corporation**

**Chapter 11**

No tentative ruling as of 10/5/15. The court is not inclined to rule upon the fee applications of the estate professionals until the confirmed plan is ready to go effective. Appearances are optional on 10/7/15 on the fee applications since the court does not intend to rule upon them at the hearing on 10/5/15, but counsel may appear by telephone.

No tentative ruling as of 7/6/15. Appearances are required on 7/7/15, but counsel may appear by phone.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Forbco Management Corporation

Represented By  
Robert E Opera  
Sean A Okeefe  
Kavita Gupta  
Richard H Golubow  
Jeannie Kim  
Jill M Holt Golubow

**Movant(s):**

Levene, Neale, Bender, Yoo & Brill

Represented By  
Gary E Klausner

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**2:12-15625 Forbco Management Corporation**

**Chapter 11**

**#18.00** Cont'd status conference re: Post confirmation of plan  
fr. 4/27/16, 5/4/16, 5/25/16, 7/27/16

Docket 1

**Tentative Ruling:**

No updated tentative ruling as of 8/15/16. Appearances are required on 8/16/16, but counsel may appear by telephone.

Updated tentative ruling as of 5/23/16. No tentative ruling on the merits. Appearances are required on 5/25/16, but counsel may appear by telephone.

No updated tentative ruling as of 5/2/16. Appearances are required on 5/4/16, but counsel may appear by telephone.

No updated tentative ruling as of 4/25/16. Appearances are required on 4/27/16, but counsel may appear by telephone.

No updated tentative ruling as of 4/4/16. Appearances are required on 4/6/16, but counsel may appear by telephone.

No updated tentative ruling as of 2/8/16. Appearances are required on 2/10/16, but counsel may appear by telephone.

No updated tentative ruling as of 1/25/16. Appearances are required on 1/27/16, but counsel may appear by telephone.

No updated tentative ruling as of 1/12/16. Appearances are required on 1/13/16, but counsel may appear by telephone.

No updated tentative ruling as of 1/4/16. Appearances are required on 1/6/16, but counsel may appear by telephone.

No updated tentative ruling as of 12/15/15. Appearances are required on 12/16/15.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**CONT... Forbco Management Corporation**

**Chapter 11**

No updated tentative ruling as of 11/30/15. Appearances are required on 12/1/15, but counsel and applicant may appear by telephone.

Prior tentative ruling as of 11/9/15. Off calendar. Continued to 11/18/15 at 2:00 p.m. pursuant to the court's order, ECF 919. No appearances are required on 11/10/15.

No updated tentative ruling as of 11/2/15. Appearances are required on 11/4/15, but counsel may appear by telephone.

No updated tentative ruling as of 10/19/15. Appearances are required on 10/21/15, but counsel may appear by telephone.

Updated tentative ruling as of 10/5/15. No tentative ruling on the merits. The court will hear from the parties and the debtor's principal, Ronald Higgins, regarding the debtor's efforts to make the confirmed plan effective. Appearances are required on 10/7/15, but counsel may appear by telephone, except for counsel for the reorganized debtor, who must appear in person along with the debtor's principal.

No updated tentative ruling as of 9/8/15. Appearances are required on 9/9/15, but counsel may appear by telephone.

Updated tentative ruling as of 8/3/15. The court has reviewed debtor's updated post-confirmation status report. No tentative ruling on the merits. Appearances are required on 8/5/15 to discuss the status of debtor's efforts to obtain financing and to undertake the other steps needed for the confirmed plan to go effective, but counsel may appear by telephone.

Prior tentative ruling as of 7/6/15. Appearances are required on 7/8/15, but counsel may appear by telephone.

Prior tentative ruling as of 6/8/15. No tentative ruling on the merits. Appearances are required on 6/10/15 to discuss whether the parties have been able to discuss a consensual resolution of the current situation involving the effectiveness of the effective date noticed by debtor, but counsel may

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**CONT... Forbco Management Corporation**  
appear by telephone.

**Chapter 11**

Prior tentative ruling as of 6/1/15. The court has reviewed debtor's post-confirmation status report. No tentative ruling. Appearances are required on 6/3/15, but counsel may appear by telephone.

Prior tentative ruling as of 3/31/15. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 4/1/15 to scheduling in light of the confirmed plan going effective, but counsel may appear by telephone.

Prior tentative ruling as of 12/15/14. Appearances are required on 12/16/14, but counsel may appear by telephone.

Updated tentative ruling as of 11/17/14. No tentative ruling on the merits. Appearances are required on 11/18/14, but counsel may appear by telephone.

Prior tentative ruling as of 11/10/14. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 11/12/14, but counsel may appear by telephone.

Prior tentative ruling as of 9/15/14. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 9/17/14, but counsel may appear by telephone.

Prior tentative ruling as of 8/4/14. The court has reviewed debtors' status report. No tentative ruling, but the court notes that the status report seems to be incomplete regarding W.J. Higgins (incomplete sentence at end of discussion). Appearances are required on 8/6/14, but counsel may appear by telephone.

Prior tentative ruling as of 7/8/14. Off calendar. Continued by stipulation and order to 8/6/14 at 11:00 a.m. No appearances are required on 7/9/14.

Prior tentative ruling as of 5/6/14. Off calendar. Continued by stipulation and order to 7/9/14 at 11:00 a.m. No appearances are required on 5/7/14.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**CONT... Forbco Management Corporation**

**Chapter 11**

Prior tentative ruling as of 5/5/14. The court has reviewed debtor's case management report. No tentative ruling on the merits. Appearances are required on 5/7/14, but counsel may appear by telephone.

Updated tentative ruling as of 12/10/13. The court has reviewed debtor's case management report. No tentative ruling on the merits. Appearances are required on 12/11/13, but counsel may appear by telephone.

Prior tentative ruling as of 9/30/13. The court has reviewed debtor's case management report. No tentative ruling on the merits. Appearances are required on 10/1/13, but counsel may appear by telephone.

Prior tentative ruling as of 6/4/13. The court has reviewed debtor's post-confirmation status report and the committee's response. Appearances are required on 6/5/13 to discuss the committee's comments and updated developments, such as the status of the pending sale of the San Dimas Restaurant, but counsel may appear by telephone.

Off calendar. The court has reviewed debtor's post-confirmation status report and continues the post-confirmation status conference on its own motion to 6/5/13 at 11:00 a.m. No appearances are required on 3/13/13.

<b>Party Information</b>
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**Debtor(s):**

Forbco Management Corporation

Represented By  
Robert E Opera  
Sean A Okeefe  
Kavita Gupta  
Richard H Golubow  
Jeannie Kim

**Movant(s):**

Forbco Management Corporation

Represented By  
Robert E Opera  
Sean A Okeefe

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**CONT...**

**Forbco Management Corporation**

**Chapter 11**

Kavita Gupta  
Richard H Golubow  
Jeannie Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**2:16-10961 Michael Bensimon Mizrachi**

**Chapter 7**

Adv#: 2:16-01216 Flint Hills International, LLC v. Mizrachi

**#19.00** Hearing re: Motion to withdraw as counsel of record

Docket 20

**Tentative Ruling:**

No tentative ruling as of 8/15/16. Appearances are required on 8/16/16, but counsel may appear by telephone.

<b>Party Information</b>
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**Debtor(s):**

Michael Bensimon Mizrachi

Represented By  
Michael Jay Berger

**Defendant(s):**

Michael Mizrachi

Represented By  
Raymond H. Aver  
Raymond H. Aver

**Plaintiff(s):**

Flint Hills International, LLC

Represented By  
Michael R Totaro  
Mark R McKinniss

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#20.00** Hearing re: Order to show cause why sanctions should not be imposed for failure to appear at hearing on motion

Docket 90

**\*\*\* VACATED \*\*\* REASON: Order to show cause hearing discharged per order entered on 8/11/16-mb.**

**Tentative Ruling:**

Off calendar. The court has reviewed counsel's declaration in response to the order to show cause and discharges the order to show cause. No appearances are required on 8/16/16.

<b>Party Information</b>
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Alan F Broidy  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**2:16-18541 Kevin I Manaka**

**Chapter 7**

**#21.00** Hearing re: Debtor's request to withdraw/cancel/revoke the bankruptcy

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/16/16 to 9/27/16 at 2:30 p.m.  
per order entered on 8/12/16-mb.**

**Tentative Ruling:**

Off calendar. Continued by court order to 9/27/16 at 2:30 p.m. No  
appearances are required on 8/16/16.

<b>Party Information</b>
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**Debtor(s):**

Kevin I Manaka

Pro Se

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

2:30 PM

**2:16-18686 Guadalupe Hernandez**

**Chapter 7**

**#22.00** Hearing re: United States Trustee's motion for an order disgorging attorney compensation

Docket 12

**\*\*\* VACATED \*\*\* REASON: Resolved by stip & order entered on 8/2/16-  
mb.**

**Tentative Ruling:**

Off calendar. Motion resolved by stipulation and order. No appearances are necessary.

<b>Party Information</b>
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**Debtor(s):**

Guadalupe Hernandez

Represented By  
Gary E Moll

**Movant(s):**

United States Trustee (LA)

Represented By  
Kenneth G Lau

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

3:00 PM

**2:15-22018 Catalino Castillo**

**Chapter 7**

Adv#: 2:15-01490 SCE Federal Credit Union

**#23.00** Hearing re: Motion to vacate default judgment and entry of default

Docket 28

**Tentative Ruling:**

Grant motion to set aside default judgment for the reasons stated in the moving papers and for lack of timely written opposition. Movant has made a prima facie showing in his papers that he did not engage in culpable conduct leading to the default based on his prior counsel's failure to keep him informed about the litigation and to represent his interests adequately, that he has a meritorious defense that he lacked an intent to deceive or defraud plaintiff because he used the funds for normal, everyday living expenses and that there is no prejudice to plaintiff if the default judgment is reopened as indicated by the absence of any opposition to the motion. United States v. Aguilar, 782 F.3d 1101, 1105 (9th Cir. 2015)(citation omitted). Appearances are required on 8/16/16, but counsel may appear by telephone.

<b>Party Information</b>
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**Debtor(s):**

Catalino Castillo

Represented By  
Sevag Nigoghosian

**Plaintiff(s):**

SCE Federal Credit Union

Represented By  
Bruce P. Needleman

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

3:00 PM

**2:16-17064 Maria Virginia Marti**

**Chapter 7**

Adv#: 2:16-01270 Romero v. Marti et al

**#24.00** Hearing re: Motion to (1) dismiss first amended complaint for adversary proceedings and non-dischargeability of defendant's debt pursuant to 11 U.S.C. §727(a)(2); 727(a)(3); 727(a)(4); 727(a)(7); 523; 523(a)(4), 526(6) and 523(a)(19) and (2) to strike irrelevant material

Docket 12

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/16/16 to 9/27/16 at 3:00 p.m.  
per order entered on 8/12/16-mb.**

**Tentative Ruling:**

Off calendar. Continued on the court's own motion by separate order to 9/20/16 at 3:00 p.m. No appearances are required on 8/16/16.

<b>Party Information</b>
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**Debtor(s):**

Maria Virginia Marti

Represented By  
Anita Khachikyan

**Defendant(s):**

Maria Virginia Marti

Represented By  
Derek L Tabone

Armex Design & Construction, Inc

Pro Se

**Plaintiff(s):**

Mario Romero

Represented By  
Dimitrios P Biller

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

3:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century**

**Chapter 11**

Adv#: 2:15-01679 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

**#25.00** Hearing re: Motion to dismiss twentieth and twenty-first claims for relief

Docket 40

**Tentative Ruling:**

Grant defendant Holst's motion to dismiss 20th and 21st claims for relief in first amended complaint with leave to amend. The court agrees with defendant that the allegations in the claims against her are conclusory and do not put her on notice of what she allegedly did, regardless of the FRCP 9(b) standard for fraud. The court does not agree with defendant, however, that the claims fall out the definition of "reserved claims" since the reservation of rights in the plan was broad enough to encompass claims of the debtor against estate professionals like defendant or that the claims are claims of creditors as opposed to claims of the debtor or that she is protected under the "agent's immunity rule" since defendant was an estate professional, though probably based on the alleged facts, negligence may be more appropriate as opposed to fraud since there is no allegation that defendant gained anything for her alleged fraud, except her \$40 an hour compensation authorized as an estate professional. In this regard, defendant's arguments might have more traction if the dispute concerned prepetition conduct. The court would grant leave to amend to allow the plan agent to amend the complaint to correct these deficiencies and allege other appropriate claims, such as negligence. The plan agent should indicate whether he is filing a third amended complaint with a new round of pleading for other parties or filing a modified second amended complaint with changes to the 20th and 21st claims for relief with perhaps an added 23rd claim for relief for negligence against defendant. Appearances are required on 8/16/16, but counsel may appear by telephone.

<b>Party Information</b>
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**Debtor(s):**

Art and Architecture Books of the

Represented By

Thomas M Geher

David W. Meadows

Jerome S Cohen

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 16, 2016**

**Hearing Room 1675**

3:30 PM

**CONT... Art and Architecture Books of the 21st Century  
Carolyn A Dye**

**Chapter 11**

**Defendant(s):**

Ace Gallery New York, Inc., a	Pro Se
ACE MUSEUM, a California	Pro Se
Douglas Christmas	Pro Se
Ace Gallery New York Corporation,	Pro Se
Shirley Holst	Represented By Susan I Montgomery

**Plaintiff(s):**

THE OFFICIAL COMMITTEE OF	Represented By Victor A Sahn Daniel A Lev David J Richardson Asa S Hami Jessica Vogel
Sam Leslie	Represented By Victor A Sahn Carolyn A Dye David J Richardson
Official Committee Of Unsecured	Represented By David J Richardson Victor A Sahn